

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

**ETHYPHARM S.A. France and
ETHYPHARM S.A. Spain,**

Plaintiffs,

v.

BENTLEY PHARMACEUTICALS, INC.

Defendant

C.A. No.: 04-1300 (SLR)

STIPULATION AND ORDER

WHEREAS many of the witnesses in this action are foreign and former employees of the parties, and the parties have been working diligently and in good faith to schedule depositions to accommodate these overseas witnesses; and

WHEREAS the parties have engaged the services of an private mediator, Linda Singer, Esq., for a three-day mediation to take place in New York in or around the end of September.

IT IS HEREBY STIPULATED AND AGREED, by and among Plaintiffs Ethypharm S.A. France and Ethypharm S.A. Spain (collectively "Plaintiffs") and Defendant Bentley Pharmaceuticals, Inc., ("Defendant") through undersigned counsel, and subject to the approval of the Court, that the Court's Scheduling Order of November 29, 2005, is amended as follows:

1. The Phase I discovery cut-off shall be moved from July 14, 2006 to August 5, 2006.
2. All summary judgment motions regarding the issue of agency and joint tortfeasor status under paragraph 5 of the Scheduling Order shall be served and filed on or

before August 25, 2006, rather than August 15, 2006. Oppositions shall be served and filed on or before September 15, 2006, and replies, if any, shall be served and filed on or before September 22, 2006.

3. The Court shall hear oral argument on any such motions and hold a status conference on _____, 2006. The current date of September 27, 2006 is continued to afford the parties the opportunity to engage in an extended mediation proceeding before an outside mediator, which the parties have tentatively scheduled for September 27 to 29, 2006.
4. The other deadlines in the Scheduling Order, including the commencement of the trial on October 1, 2007, shall not be affected by this stipulation and order.
5. The parties shall notify Magistrate Judge Thyng of their engagement of an outside mediator and shall request that Magistrate Judge Thyng adjourn the mediation set by her for September 13, 2006, along with its associated deadlines.

MURPHY SPADARO & LANDON

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SO ORDERED, this _____ day of July, 2006.

The Hon. Sue L. Robinson
United States District Judge